

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:17-cv-00259-BO

VOIT TECHNOLOGIES, LLC, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )  
                               )  
DEL-TON, INC.,             )  
                               )  
Defendant.                 )

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE DEFENSES**  
**PURSUANT TO FED.R.CIV.P. 12(f)**

Plaintiff, VOIT Technologies, LLC, pursuant to Federal Rule of Civil Procedure 12(f), files this Motion to Strike Defendant's Affirmative Defenses ("Motion"). Pursuant to Local Civil Rule 7.1, a Memorandum in Support of this Motion ("Memorandum in Support") is filed contemporaneously herewith.

WHEREFORE, for the reasons set forth in this Motion and the Memorandum in Support, Plaintiff respectfully requests that the Court issue an order striking Defendant's Affirmative Defenses (the Third Defense through Twelfth Defense), and issuing Plaintiff all other just and equitable relief that the Court deems appropriate.

Dated: August 28, 2017.

Respectfully submitted,

/s/ David F. Tamaroff

---

David F. Tamaroff, Esq.  
LIPSCOMB & PARTNERS, PLLC  
25 SE 2nd Avenue, 8th Floor  
Miami, Florida 33131  
Tel: (786) 431-2326  
Fax: (786) 431-2229  
[dt@lipscombpublishers.com](mailto:dt@lipscombpublishers.com)  
Florida Bar No. 92084

And

Frank W. Leak, Jr. Esq.  
LEAK & JAMISON, PLLC  
P.O. Box 21026  
Winston-Salem, NC 27120  
Tel: (336) 245-1655  
Fax: (336) 245-1655  
[frank.leak@thirtysixthirtylaw.com](mailto:frank.leak@thirtysixthirtylaw.com)  
North Carolina Bar No. 27937  
Local Civil Rule 83.1 Counsel for Plaintiff  
*Attorneys for Plaintiff VOIT Technologies,  
LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on August 28, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Joseph A. Schouten  
jas@wardandsmith.com

Caroline B. McLean  
cbmclean@wardandsmith.com

/s/ David F. Tamaroff  
David F. Tamaroff, Esq.  
Florida Bar No. 92084  
LIPSCOMB & PARTNERS, PLLC  
25 SE 2nd Avenue, 8th Floor  
Miami, Florida 33131  
Tel: (786) 431-2326  
Fax: (786) 431-2229  
Email: dt@lipscombppartners.com  
*Attorney for the Plaintiff*